

AMENDED IN ASSEMBLY APRIL 8, 2010
AMENDED IN ASSEMBLY MARCH 22, 2010
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2159

Introduced by Assembly Member Anderson

February 18, 2010

An act to amend Section 68075.5 of, ~~and to repeal Section 68130.5 of, the Education Code, and to repeal Section 1 of Chapter 814 of the Statutes of 2001~~ *the Education Code*, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2159, as amended, Anderson. Public postsecondary education: student residency requirements.

(1) Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary educational institutions. Existing law entitles a student who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the Armed Forces to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.

This bill would additionally entitle a student who was a member of the Armed Forces of the United States to resident classification, regardless of whether the student was stationed in this state on active duty or the length of time for which the student was stationed in this

state on active duty, if the student meets specified eligibility requirements.

To the extent that the bill would require community college districts to revise their procedures for calculating enrollment fees for students, the bill would impose a state-mandated local program.

~~(2) Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed an affidavit as specified, is exempted from paying nonresident tuition at the California Community Colleges and the California State University. The act enacting that exemption also made related legislative findings and declarations.~~

~~This bill would repeal that exemption and those legislative findings and declarations.~~

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 68075.5 of the Education Code is
- 2 amended to read:
- 3 68075.5. (a) A student who was a member of the Armed Forces
- 4 of the United States stationed in this state on active duty for more
- 5 than one year immediately prior to being discharged from the
- 6 Armed Forces is entitled to resident classification for the length
- 7 of time he or she lives in this state after being discharged up to the
- 8 minimum time necessary to become a resident.

(b) (1) A student who was a member of the Armed Forces of the United States is entitled to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident, regardless of whether the student was stationed in this state on active duty or the length of time for which the student was stationed in this state on active duty, if the student meets all of the following requirements:

(A) Is eligible for benefits pursuant to the federal Post-9/11 Veterans Educational Assistance Act of 2008 (Title V of Public Law 110-252).

(B) Is honorably discharged from service.

(C) Provides documentation of a domicile in the state.

(2) For purposes of this subdivision, “domicile” means a place in which the student’s habitation is fixed, where the student has the intention of remaining, and to which, whenever he or she is absent, he or she has the intention of returning. At a given time, a student may have only one domicile.

~~SEC. 2. Section 68130.5 of the Education Code is repealed.~~

~~SEC. 3. Section 1 of Chapter 814 of the Statutes of 2001 is repealed.~~

~~SEC. 4.~~

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.